E2 5lr2346

By: Delegates Carter, Atterbeary, Dumais, McComas, Moon, Morales, Pena-Melnyk, and Rosenberg

Introduced and read first time: February 6, 2015

Assigned to: Judiciary

## A BILL ENTITLED

1 AN ACT concerning

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Commercial Bail Data Analysis

FOR the purpose of requiring the Maryland Statistical Analysis Center, in consultation with the Administrative Office of the Courts, to develop a procedure and methodology for the compilation and analysis of certain data and the preparation of a certain report and recommendations; requiring the Maryland Statistical Analysis Center to compile and analyze certain data and to submit a certain report on or before a certain date; providing for the termination of this Act; and generally relating to bail data analysis.

10 Preamble

WHEREAS, A 2014 study by Dr. James Austin showed an inverse relation between the seriousness of a defendant's charge and the amount of bond set for that defendant: defendants facing more serious charges received lower bond amounts than defendants with less serious charges; and

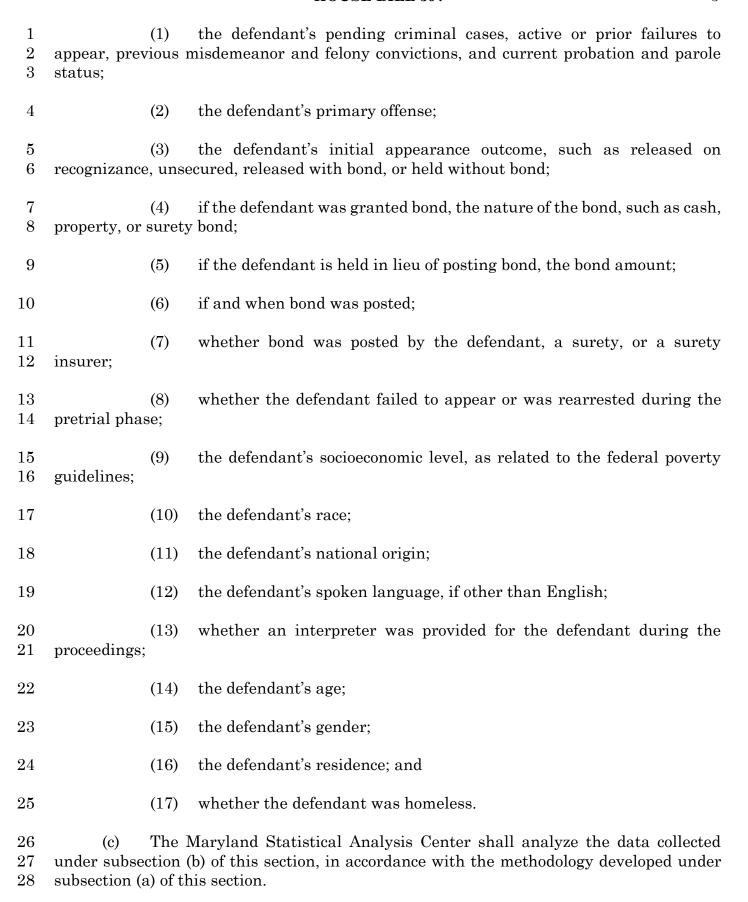
WHEREAS, In 2014 the Governor established the Commission to Reform Maryland's Pretrial System (2014 Governor's Commission); and

WHEREAS, The 2014 Governor's Commission recommended the elimination of secured financial conditions of pretrial release, noting that the current bail system often results in low–risk offenders being held because they cannot pay even a low bail, while high–risk defendants with the resources to pay their bonds may leave jail unsupervised; and

WHEREAS, In 2012 the Maryland General Assembly passed a law (Chapter 505 of the Acts of 2012) establishing a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender (2012 Legislative Task Force); and



- WHEREAS, The 2012 Legislative Task Force, in its 2013 report, recommended that Maryland "eliminate the option of monetary bonds"; and
- WHEREAS, The Maryland State Bar Association requested that the Maryland Court of Appeals appoint a committee to study the state of pretrial release decision making throughout Maryland; and
- WHEREAS, The report from the committee appointed by the Maryland Court of Appeals recommended that monetary bonds should be used sparingly, limited to situations when, according to Maryland Rule 4–216(c), "no other condition of release will reasonably assure" appearance and community safety; and
- WHEREAS, An Abell Foundation Report of 2001 similarly recommended that monetary bonds be used sparingly; and
- WHEREAS, In 1968, the American Bar Association (ABA) issued standards for the pretrial release decision, ABA Standard 10–5.3, which include:
- 14 (1) financial conditions should be imposed "only when no other less 15 restrictive condition of release will reasonably ensure the defendant's appearance in court";
- 16 (2) the court "should not impose a financial condition that results in the 17 pretrial detention of the defendant solely due to an inability to pay"; and
- 18 (3) the court should not impose financial conditions "to prevent future criminal conduct or to protect the safety of the community of any person"; now, therefore,
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 21 That:
- 22 (a) On or before December 31, 2015, the Maryland Statistical Analysis Center 23 within the Governor's Office of Crime Control and Prevention, in consultation with the 24 Administrative Office of the Courts, shall develop a procedure and methodology for:
- 25 (1) the compilation of data required to be collected under subsection (b) of 26 this section;
- 27 (2) analysis of the data; and
- 28 (3) preparation of a report and recommendations based on the data.
- 29 (b) The Maryland Statistical Analysis Center shall compile the following 30 information for each defendant appearing at an initial appearance or bail review for the 31 period of June 1, 2015, through November 30, 2015:



 (d) On or before December 31, 2015, the Maryland Statistical Analysis Center shall submit a report of its findings and recommendations to the Governor, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.